

## IRFLP 712 Evidence at Trial

### Idaho Rules of Family Law Procedure Rule 712. Evidence at Trial.

A. Taking of testimony. In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise provided by statute or by these rules, the Idaho Rules of Evidence, or other rules adopted by the Supreme Court of Idaho.

B. Direct and cross-examination. The examination of a witness by the party producing the witness is denominated the direct examination; the examination of the same witness, by the adverse party, the cross-examination. The direct examination must be completed before the cross-examination begins, unless the court otherwise directs.

C. Limitation on examination. Only one attorney on each side shall conduct the examination of a witness until such examination is completed, except when the court grants permission for other attorneys to conduct the examination.

D. Calling by court. When the court is the trier of fact, the court may on its own motion or at the suggestion of a party, call witnesses, and all parties are entitled to cross-examine witnesses thus called.

E. Interrogation by court. The court may interrogate witnesses, whether called by itself or by a party.

F. Objection. Objections to the interrogation of a witness by the court may be made at the time of interrogation or at the next available opportunity.

G. Reexamination and recalling of witnesses. A witness once examined cannot be reexamined as to the same matter without leave of the court, but the witness may be reexamined as to any new matter upon which the witness has been examined by the adverse party. And after the examinations on both sides are once concluded, the witness cannot be recalled by the same party without leave of the court. Leave shall be granted or withheld by the court in the exercise of sound discretion. This rule shall not preclude the adverse party from calling such witness as that party's own witness for direct examination.

H. Interpreters. If any party, or person the party intends to call as a witness, needs an interpreter as provided in [Idaho Court Administrative Rule 52](#) [1], the party shall so notify the court at least fourteen (14) days before commencement of the court proceeding, or as soon as practicable in the event of an expedited hearing. If the party fails to do so without good cause and as a result the trial or hearing is postponed, the court in its discretion may impose and tax costs and expenses occasioned thereby against the party or the party's attorney.

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I. Inspection of writings. Whenever a writing is shown to a witness it may be inspected by the opposite party.

(Adopted April 2, 2014, effective for early adopters July 1, 2014, effective statewide July 1, 2015.)

**Source URL:** <http://www.isc.idaho.gov/irflp712>

### **Links:**

[1] <http://www.isc.idaho.gov/icar>